

Michigan  
Department  
of Human  
Services

Prepared by the  
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# Articles in Today's Clips

**Monday, June 19, 2006**

(Be sure to maximize your screen to read your clips)

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# Family to Family: Safe-child strategy?

**Jackson Citizen Patriot editorial**

**Sunday, June 18, 2006**

On Tuesday, the Jackson County Department of Social Services will convene a session on the state's new child-welfare strategy, the Family to Family Initiative. Question: Why should anyone outside Jackson's professional child-welfare community care? Because the rate of child abuse in this town is higher than average and needs to be addressed.

Consider these recent statistics: Last year, Jackson County had 777 reports of child abuse. That was twice the number of reports recorded in 2000. That put Jackson County among the 15 worst counties in Michigan for child abuse -- 69th out of 83 counties.

We know that statistics are not always reliable. We also know the county's poor economy is a factor. Yet it is clear to us, from discussions with people in law enforcement, schools, human service agencies and churches, that those who deal with this problem regard it as a serious one in Jackson County.

Consider the Ricky Holland case. Last year Ricky died at age 7. His adoptive parents are now charged with his murder. Whatever the failures of Ricky's parents, he was also a tragic indicator that there are problems with the system. Jackson County authorities investigated past abuse allegations concerning Ricky, yet that did not spare him the abusive environment in which he died last July.

Typically in the past, social workers would remove abused children from their homes and place them outside their communities. They would be moved again and again. Instability magnified the damage. Research has shown that kids in foster care do better if they have frequent contact with birth parents, remain in their schools and within the circle of family and friends. Ultimately, that results in a higher rate of successful reunification with birth parents.

The Family to Family Initiative, which the state Department of Human Services hopes to gradually implement in every county, is an effort to correct these problems. The intent is to give relatives, children, neighbors and local groups "more of a voice" in individual abuse cases. Rather than taking kids from their environment, caseworkers would place them with nearby relatives. That way the children would benefit from the existing network of school, friends and family. Also, officials hope to develop an "early warning system" before children need to be removed from their parents.

This is good theory, but will it work? Such a strategy would require much collaboration. Yet one criticism we hear of the current system is that there is too little communication among social workers, police, school officials and others with a stake in the child's welfare. The kids fall through the cracks. And remember, all who preach lean government, that the number of caseworkers in Jackson County was down to 37 this year from last year's 41. That's good for taxpayers, but what if you're an abused kid whose caseworker has 10 more cases to deal with this year than last year?

Another criticism of the existing system is that we already err on the side of keeping kids with their families too long; we don't take them away soon enough. That's what Jackson officials who deal with these children tell us. Certainly, Ricky Holland's fate supports that opinion.

Therefore, we are skeptical of this new initiative. Will these proposed changes actually improve things for children? Unfortunately, the Ricky Holland case argues strongly that action is too often taken too late, and that sometimes the kindest thing that can be done for children is to get them out of their dangerous environment -- which can be a dysfunctional neighborhood as well as a broken family.

# Actress to lead workshop on foster children

Sunday, June 18, 2006

By Cedric Ricks

Kalamazoo Gazette

A daytime television actress who is a former foster child and who founded a scholarship fund for foster children will lead a workshop in Kalamazoo this month as part of a conference that aims to help children become responsible adults.

Victoria Rowell, an actress on "The Young and the Restless," will attend the seventh annual Foster, Adoptive and Biological Teens Conference set for June 24.

**The conference is sponsored by the Kalamazoo County Department of Human Services and Strong Families/Safe Children.** It has also received funding from the Kalamazoo Community Foundation.

The conference will be held at Kalamazoo Valley Community College's Texas Township Campus, 6767 West O Ave. The event is free and open to the public.

In Kalamazoo County, there are about 500 children in foster care at any given time, said Rebecca Howard, the conference coordinator and children's foster home licenser for the Kalamazoo County Department of Human Services.

Howard said Rowell was chosen because she is a successful role model for children growing up in foster care.

"We always try to highlight people who had inside experience with the child-welfare system either through foster care or adoptive care," Howard said.

Rowell was raised in foster care for 18 years. She received a full scholarship to the Cambridge School of Ballet in Massachusetts when she was 8 years old.

As an adult, Rowell founded the Rowell Foster Children's Positive Plan, a scholarship fund that helps foster children thrive through fine-arts classes, sports camps and cultural enrichment.

"Our goal is simple: To help children who would otherwise not have a chance to reach their full potential," Rowell said in a written statement on the Rowell Foster Children's Positive Plan Web site.

"We strive to offer children the same long-term commitment and opportunities that foster parents, social workers and mentors can provide," Rowell said in the statement. "I believe that exposing them to these various disciplines at an early age enriches their lives more than we know, just as it did for me and others like me."

Rowell has been honored with 10 NAACP Image Awards and has co-starred on the series "Diagnosis Murder." At her suggestion, Sony Television has supported a foster-care and adoption storyline on "The Young and the Restless."

Individuals interested in attending the Foster, Adoptive and Biological Teens Conference can call Howard at 337-5047.

# **Foster, Adoptive and Biological Teens Conference**

**Kalamazoo Gazette**

**Sunday, June 18, 2006**

What: Workshops for children ages 6-11, teenagers 12-17 and adults.

When: One-day event begins at 8 a.m. June 24. Event is free and open to the public, but registration is required. Deadline is Monday.

Where: Kalamazoo Valley Community College's Texas Township campus, 6767 West O Ave.

For more information: Contact Rebecca Howard at the **Kalamazoo County Department of Human Services**, 337-5047.

# Emergency assistance for kinship families is available

LANSING —The Kinship Care Resource Center, through the School of Social Work at Michigan State University (MSU), announces the Ingham County Kinship Emergency Assistance Program. The program is the center's latest effort designed to help kinship families.

Kinship families is a term used to describe relatives raising other relatives' children, such as grandparents raising grandchildren.

When parents are unable to care for their children, many relatives offer to provide a safe and stable home for children in the family to avoid having children placed in foster care.

Factors that affect the biological parents' inability to care for their children include incarceration, child abuse and neglect, death, substance abuse, mental and physical illness, AIDS and unplanned pregnancies.

The Ingham County Kinship Emergency Assistance Program is a pilot program available through the MSU Kinship Care Resource Center to kinship families in Ingham County. Program funding is made possible by the Department of Human Services with support from the Capital Area Community Services Head Start.

The program is available to help meet the needs of low-income kinship families in crisis in Ingham County.

The Ingham County Kinship Emergency Assistance Program funds kinship families in need of medical care, food, payment of household bills, household repairs, school expenses, transportation, clothing, furniture, other household goods and respite care.

To help meet the needs of as many kinship families as possible, families can receive this grant once a year.

For more information on the Ingham County Kinship Emergency Assistance Program or how kinship families in need can access services through the MSU Kinship Care Resource Center, call Ama Agyemang at (517) 355-9600 or by e-mail at [kinship@msu.edu](mailto:kinship@msu.edu).

# In death, child's case gets attention

FLINT

THE FLINT JOURNAL FIRST EDITION

Saturday, June 17, 2006

By Ron Fonger

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FLINT - The new top state human services official in Genesee County says she will meet with every state employee who had contact with the family of a 5-year-old girl who died in her parents' lice-infested home.

She wants to know what, if anything, the agency did wrong in the case.

But Sheryl Thompson maintained the Department of Human Service's silence on specifics of the state's past involvement with the family of Rose Kelly, the little girl who died June 4 after becoming ill and not being taken to a doctor.

"I am going to be meeting with everybody who touched that case and say, 'This is what you did or didn't do,'" Thompson said. "I can guarantee that ... I don't take excuses lightly. I'm not one for excuses -not when it comes to kids.

"I don't want to hear that."

The Michigan Office of Children's Ombudsman already is investigating why DHS left Rose and three other children in the home after having contact with parents Michelle L. Bowen and Jeffery C. Kelly in 2004 and 2005.

"Unfortunately, I can't share any specific details about what happened," Thompson told a local three-person advisory board Friday. "I feel awful about it. ... I want to be able to tell the press: This is what happened."

Thompson said she has been advised not to discuss specifics of the Kelly case for the same reason DHS officials routinely decline to talk about such matters. They say privacy laws prohibit them from sharing such information.

But former state Rep. Vera B. Rison, a member of the DHS local board, was miffed by that answer.

"I am totally unhappy today. In a few minutes, I'm going home ... ," Rison said. "I need to know some things. We can only be locked out of so much. ... We need to know where the ball was dropped."

The Flint Journal has filed a Freedom of Information Act request with DHS, seeking details of complaints about and investigations of Kelly and Bowen since 1995.

DHS initially had contact with the family after allegations another child in the home had been medically neglected, according to a court petition filed against the couple this month.

While Thompson had little specific information about the Kelly case, advisory board member Arminda Garcia, a Flint School District social worker, said she believes conditions inside the Bowen-Kelly home didn't come to the attention of teachers who had contact with other children in the family.

Rose never went to a Flint school, Garcia said, and her older sister may have had one previous problem with lice in school. The sister missed more than 160 days of school combined in third and fourth grades, Garcia told advisory board members.

A teacher told Garcia, "there were days she came to school dirty but nothing (alarming)."

State officials have refused to discuss whether they followed up on the previous reports of problems in Kelly's home on N. Franklin Avenue, which Flint police officers have described as filthy - filled with garbage, dog feces, cockroaches, fleas and lice.

Thompson said neighbors can call Child Protective Services at DHS if they suspect children might be abused or neglected.

A caseworker will always visit the home if at least three calls are received, she said.



# **Man not guilty of abuse in case of shaken toddler**

**Detroit Free Press**

**June 19, 2006**

A Detroit man accused of violently shaking a 2-year-old boy left in his care in December has been acquitted of first-degree child abuse, officials said.

Ostell Prince Martin, 29, was found not guilty of the charge Wednesday by a jury after a trial before Wayne County Circuit Court Judge Ulysses Boykin.

"This has really been hard on my family and my kids," Martin said Sunday. "They've been treated like animals on the block. Other kids don't even want to play with them because of this." The victim, Damon Willis, was left with a 30-year-old female babysitter Dec. 15, according to Detroit Police. That sitter left the child with Martin for a short time and returned to find the boy unconscious in Martin's arms, police said.

The boy suffered from shaken baby syndrome and now is blind as well as physically and mentally disabled.

# **Dad is cleared of abusing his baby daughter**

**Detroit Free Press**

**June 16, 2006**

The father of a baby who was battered so badly that her injuries likely will last her lifetime has been acquitted by a Wayne County Circuit Court judge.

Ryan Popilekc, 25, formerly of Trenton, was found innocent of charges of first-degree child abuse and assault with intent to commit murder by Judge James Callahan on Tuesday. Callahan waited until Thursday to discharge the jury in the case, to give the Wayne County Prosecutor's Office time to appeal the judge's directed verdict clearing Popilekc of all charges. No appeal of the acquittal is possible.

Popilekc had been charged with abusing his daughter, Mianna, in January after he and his wife took the child to Oakwood Southshore Hospital in Trenton for being uncontrollably fussy and having blood in her stool.

The child, who turned a year old this month, was found to have both old and new bleeding in her brain and doctors concluded she had been abused.

"They know what happened, they just don't know who" did it, Popilekc's attorney, Stephen Boak, said Thursday.

There are as many as half a dozen adults who had access to the child during the period when she was injured, Boak said.

Popilekc, a truck driver, always maintained his innocence.

Boak said his client was relieved that the charges were dismissed and that he still wants to be a father to his daughter.

A divorce is pending, as well as a child protective proceeding in the juvenile division of Wayne County Circuit Court.

Published June 19, 2006  
[ From the Lansing State Journal ]

## **Grand juries: Dunnings might like closed-door panels, but for wrong reasons**

A Lansing State Journal editorial

Ingham County Prosecutor Stuart Dunnings III is eyeing grand juries to obtain indictments, instead of the usual hearings before local judges.

Grand juries, you see, act behind closed doors. Courts, by constitutional directive, act with open doors, except in the most unusual circumstances.

The law allows grand juries. But if Dunnings goes that route, he's only harming the credibility of local prosecutions.

The prosecutor raised the grand jury issue last week, after District Judge Rosemarie Aquilina ordered the release of prosecution documents in the case of Dr. Charles Mercer.

Dunnings and his staff sought to keep the information sealed, and succeeded for a time. But as she did in the case of Tim and Lisa Holland, Aquilina eventually ruled the public's right to know outweighs a prosecutor's preferences.

And, sadly, the Ingham prosecutor's preference is for working out of the public eye; a reflection of a fundamental lack of confidence in fellow citizens' ability to know, yet still judge fairly. Mid-Michigan has had high-profile criminal cases: the Francine Hughes "burning bed" case; the trial of Dr. Greg Messenger for the removal of life support from his child. And the cause of justice has endured.

Again and again, Dunnings makes comments that put openness and justice at odds with each other, as if they are mutually exclusive.

They aren't.

Of course, openness is at odds with a public official who wants to control information. And that's what we see here: An elected official who wants to hold his own news conferences, but doesn't want the public to have other sources of information.

Grand juries fit the bill for controlling information. How they fit the bill for justice is another matter. After all, if they're good, why aren't they used more? And what about the organization and expense of running them?

Dunnings can make his choices. But using grand juries wouldn't be a good one.

# When parting is not such sweet sorrow

June 18, 2006

BY MITCH ALBOM

FREE PRESS COLUMNIST

Juliet, the one in love with Romeo, was only 13. Keep that in mind as we try to figure out young Katherine Lester, the Michigan teenager who flew halfway around the world for an Internet romance.

Lester is only 16, about to turn 17. The guy she fell for, via MySpace.com, is only 20 and used the screen name Abdullah Psycho. If you are asking how anyone falls in love with a man named "Psycho," you don't know teenagers.

And that, in the end, is what this case is all about: being a teenager. Like it or not, 16-year-old girls have a long tradition of finding "the love of their lives" -- no matter what their uncool parents think of him.

In this case, Lester reportedly tricked her mother into supplying a passport, then took off for the Middle East, where she planned to rendezvous with her beloved MySpace hunk. According to the young man's mother, who gave an interview to the Associated Press, the two planned to wed and Lester intended to convert to Islam. The story got international attention after Lester was intercepted in Amman, Jordan, by U.S. authorities, who sent her home.

"You talk to her teachers, you talk to her principal, you talk to her friends, and there was just no indication anything like this would happen," Renee Wood, lawyer for the Lester family, told me last week. "But we know, being 16-year-olds ourselves at one time, what infatuation can do to a kid."

Exactly. Only when we were 16, we rode our bicycles to our infatuation's house and threw pebbles at the window. We didn't wander into cyberspace and start conversations with people halfway around the world -- people who couldn't see our acne or smell our breath, but could propose marriage from the comfort of their bedroom.

Wherever it might be.

## Questions without answers

When this story first broke, reactions were fear, then relief, then anger. Where were the parents? Where were the authorities?

These are fair questions. Sixteen-year-olds need to show how they are leaving the country on their own. In this age of heightened security, how young Katherine got all the way to Jordan solo is a disturbing mystery.

As for the parents? Well, the father was quoted as saying that his daughter was a great student who never gave him a lick of trouble. And the mother told the media her daughter was "a wonderful girl," in the National Honor Society.

Those are declarations, not explanations. And, by the way, the father and mother are not together.

That doesn't mean anything, except that Katherine's parents obviously could not monitor together what their perfect daughter was doing night after night on the Internet. Let's face it. The girl didn't fall in love in one chat. This "relationship" went on, according to reports, for seven months. If something that long completely escapes your attention, maybe you don't know your child the way you think you do.

Or maybe she needs some sort of attention that she isn't getting.

### **High-tech ways to mess up**

Having said that, let's return to our premise. Teenage girls do things like this -- even in the tightest-knit families. So do teenage boys. They throw caution to the wind, they take terrible chances, they believe they know true love and are terribly misunderstood, and they gravitate to others who share these feelings.

Juliet bucks her family to love and die for Romeo. Maria bucks her family to love Tony in "West Side Story." What Katherine Lester felt and wanted to do is not new.

But the world she is doing it in is new. We don't ride bicycles now; we get on planes. We don't throw pebbles at windows; we e-mail over oceans. And when we think our perfect kids are tucked away safely in their bedrooms -- if a computer is in there with them -- the trouble may just be getting started.

Abdullah's mother told the AP that despite the incident, the two would-be lovers continued to communicate. "Neither of them are giving up on each other."

Wherefore art thou?

Maybe we should ask our kids that.

Contact **MITCH ALBOM** at 313-223-4581 or [malbom@freepress.com](mailto:malbom@freepress.com). Catch "The Mitch Albom Show" 5-7 p.m. weekdays on WJR-AM

# **Welfare caseloads see slight increase**

Gongwer News Service

June 16, 2006

After three months of declining numbers of families receiving cash assistance from the state, the number of recipients in May saw an increase, while the number of families who received Food Assistance Program aid rose for the eighth consecutive month, according to reports from the Department of Human Services.

The Family Independence Program had 79,133 cases in May, up from 78,198 cases in April, which was down from 78,238 cases in March and 78,889 cases in February. The caseloads represented 213,562 people, up from 211,135 people in April and 211,235 people in March.

In May there were 519,202 families receiving Food Assistance Program benefits, compared to April when there were 514,262 families, up from 512,000 in March. That compares with 508,552 families in February, 506,506 in January, 502,981 in December, 498,935 in November and 497,814 in October.

Childcare cases saw an increase in May with a caseload of 61,855, after a sharp decline in April to 60,891 families from 64,685 in March. The May caseload represented 115,931 children.

Earned income cases stayed at 33 percent of those required to find work reporting income after a drop to that amount in April from March's 34 percent. The percent of cases exceeding the federal 60-month limit has also held steady at about 13 percent since October.

# **Day care business still operating after fire**

**THE FLINT JOURNAL**

**June 19, 2006**

**By Matt Bach**

The owner of a day care facility damaged by fire Saturday said her business was open and running today thanks to the help of parents and staff who helped clean up the mess Sunday.

Terry Matlock, owner of Terry Matlock School of Performing Arts, said the school's infant and toddler building on N. Holly Road was destroyed by a fire in the attic possibly caused by an electrical problem. The building was closed and unoccupied when fire broke out about 5 p.m. Saturday.

Matlock and others spent Sunday sifting through the gutted building, cleaning toys and supplies that could be salvaged. All 38 children assigned to the center were placed in other day care buildings run by Matlock in the area.

"I'm terribly thankful it happened on weekend when it was empty," said Matlock. "A lot parents came (Sunday) and dance students showed up and people came and scrubbed up. The main thing was to make things as smooth as we could for the children."



# **MSU to team with domestic abuse shelter**

**University awarded \$2.5 million to research sexual violence issues with Turning Point**

**PUBLISHED: June 19, 2006**

**By Tom Watts**

**Macomb Daily Staff Writer**

Suzanne Coats was awestruck after learning the National Institute of Mental Health awarded Michigan State University \$2.5 million to develop a research partnership with Mount Clemens-based Turning Point Inc. to combat sexual violence.

"It's wonderful, very exciting," said Coats, executive director of Turning Point, a shelter for victims of domestic violence. "It's a wonderful honor to represent the field at a national level. I know the work we are going to be doing with MSU. They are the top researchers in the world against violence against women."

The award is one of the first of its kind that pairs researchers and workers on the front lines in the field of domestic violence and sexual assault, she said.

"It's been a lot of work," Coats said. "Turning Point has been active on a statewide level and national level. We have been leading the way, an evolution that caught their eye. We're one of the largest programs in the state by combining violence and assault in a lot of different ways that help."

The grant will provide for the development of research infrastructure that will test intervention for the treatment and prevention of domestic and sexual violence, said Cris Sullivan, a professor of community psychology at MSU.

"It is very exciting to partner with Turning Point to conduct research that directly impacts women's lives," Sullivan said in a statement.

Coats said the grant is the largest ever received in Turning Point's more than 25 years of service in Macomb County.

"This grant will help us develop and help determine how we collect data and all that technology," Coats said. "Business practices will be looked at with researchers. ... We can pilot research studies."

Turning Point provides programs and resources that enable victims and survivors of domestic and sexual violence. Coats said the facility provide workshops to more than 4,000 teens in area schools.

"We want to follow the women we shelter with mentors and study the impact of that in a community setting," Coats said. "This is the best news we could have received." Services at Turning Point include a 41-bed shelter, individual and group counseling, advocacy, a personal protection order assistance program and a forensic nurse examiners program for victims of sexual assault.

Coats said last year Turning Point provided services to "over 4,000 survivors, sheltered more than 400 women and children, and answered more than 10,000 calls to our crises line."

MICHIGAN

## **Unger trial defense rests case**

# **Deliberations begin today for Benzie Co. jury**

*June 16, 2006*

BY FRANK WITSIL AND STAN DONALDSON  
FREE PRESS STAFF WRITERS

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Murder defendant Mark Unger leaves the courtroom Thursday. (CHARLES V. TINES/Associated Press)

State prosecutors have no "real evidence" to prove that Mark Unger killed his wife, defense attorney Robert Harrison repeatedly told a Benzie County jury during his closing arguments Thursday.

Harrison said that the prosecution's medical experts didn't agree on the cause of death, there wasn't a clear motive, and just because Unger didn't immediately shed tears after hearing of his wife's death doesn't mean he killed her.

"Nobody," Harrison said, "should be judged and called a criminal because of how he acts on the day when his wife has died, his children are motherless and the police are pointing the finger of guilt at him."

The defense and prosecution have rested, and now, Mark Unger's fate rests in the hands of that jury, which is to begin deliberating today.

What it believes about how Florence Unger died could determine if the Huntington Woods man is found guilty or acquitted of murder.

Did Florence Unger die from hitting her head on a concrete slab after falling from a wooden deck?

Did she die by drowning in the Lower Herring Lake?

Or was the 37-year-old's death an accident?

For nearly two months the jury has heard and seen evidence presented by Assistant Attorney General Donna Pendergast and Harrison.

Unger, a father of two, is accused of killing his wife in October 2003 by forcing her over the railing of a 12-foot-high deck and drowning her in a nearby lake. The family had gone there for a weekend getaway.

Unger, a former radio sportscaster, is charged with first-degree murder. The jury has the option of finding him guilty of first-degree murder or second-degree murder -- if they believe his wife's death was an accident -- or acquitting him.

On Thursday, the prosecution and defense tried to leave the jurors with some parting words.

For most of the day, Harrison repeatedly told the jury that the prosecution has no evidence to prove its case, and line by line went over court testimony that he said bolstered his argument that Florence Unger's death was an accident.

Harrison argued the police investigation of Florence Unger's death was compromised, and hinged on what detectives perceived as suspicious behavior on behalf of Mark Unger -- such as crying without tears and quickly changing emotions.

Mark Unger, who did not testify, has repeatedly said outside of court that he had nothing to do with his wife's death. Harrison portrayed Florence Unger as someone who was troubled the last week of her life because she was having an affair with a former neighbor, and friend of her husband, Glenn Stark.

Stark testified during the trial that he and Florence had sex a week before she died. As Harrison talked about the affair, Mark Unger was in tears and Florence Unger's mother, Claire Stern, left the courtroom.

Harrison said Unger loved his wife and children, and could not have possibly killed her and then gone back to the rented cottage where the Ungers were staying with their two young boys and kissed them goodnight, as prosecutors claim. And, Harrison said, it defied common sense for Mark Unger to be on the deck at the Watervale resort with his wife, introduce himself to a stranger, and then commit a murder.

"You'd have to be stupid or nuts to kill your wife at that moment," Harrison said.

Special Assistant Attorney General Mark Bilkovic, however, said in the prosecution's last words to the jury that Unger was a self-centered man who supposedly loved his wife so much that he left her alone in the dark all night and never went to look for her, or check to see if she came home until the next morning.

"The defendant is guilty of murder," Bilkovic said. "He knows it."

Bilkovic showed the jurors the puffy blue comforter Florence Unger took with her onto the deck, and which was found near her body.

He showed them photographs of her smiling face and her lifeless corpse. He reminded them of Mark Unger's drug and gambling addictions, the divorce he and his wife were going through, the troubles that the couple were having that week, and the \$750,000 life insurance policy that he stood to collect upon his wife's death.

And he told the jurors that they are the "truth finders" who will have to determine "who is telling the truth and who is not."

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Saturday, June 17, 2006

## **No Unger verdict in first day of deliberation Judge tells the 12 men, women to use common sense to reach verdict for Huntington Woods man.**

Mike Martindale / The Detroit News

**BEULAH** -- After seven weeks of hearing testimony, evidence and theories in the October 25, 2003, death of a Huntington Woods woman at a northern Michigan lakeside resort, a jury began to deliberate Friday whether her husband killed her.

No verdict was reached after more than six hours of deliberation Friday. The jury will reconvene at 9 a.m. Monday.

Mark Unger, 45, is on trial for first-degree murder in the death of his wife, Florence, 37, whose body was found floating facedown in Lower Herring Lake at the Inn of Watervale resort, about 10 miles south of Frankfort.

Benzie Circuit Judge James M. Batzer instructed jurors their duty was limited to verdicts of not guilty of any offenses or guilty in the crimes of first-degree murder, punishable by up to life in prison; or second-degree murder, which can also carry up to a life sentence but with a chance of parole. First-degree murder is premeditated, meaning that the killing was deliberate and planned.

Investigators believe the former mortgage banker caused his wife to fall from a 12-foot high boathouse deck to a concrete platform below, and then moved Florence Unger's unconscious body into Lower Herring Lake where she was found dead the next morning.

Defense attorneys say the death was an accident that did not involve Mark Unger.

Batzer schooled the jury in elements of circumstantial evidence and the lynchpin of all jury deliberations in determining guilt or innocence: reasonable doubt.

"A reasonable doubt is a fair, honest doubt drawn out of the evidence or lack of it -- not a possible doubt but a doubt based on common sense, after a careful consideration of the facts in the case," Batzer told the six men and six women who will decide Unger's fate.

Batzer also stressed Unger, like every defendant, "has the right not to testify."

"It must not affect your verdict in any way," he said, of Unger's decision not to take the stand. "You must only consider the evidence presented in this case -- only the sworn testimony of witnesses and the exhibits admitted into evidence.

"Use your own common sense in making a decision when considering the evidence ... and decide this case only on evidence in the trial," Batzer said.

You can reach Mike Martindale at (248) 647-7226 or [mmartindale@detnews.com](mailto:mmartindale@detnews.com)

## **Jury Ponders Innocence, Guilt For Mark Unger**

### ***Jury Sought Further Information Through Transcripts***

POSTED: 4:39 pm EDT June 16, 2006

A Benzie County jury on Friday pondered the guilt or innocence of Mark Unger, a suburban Detroit man charged with killing his wife during a family trip to northern Michigan in 2003.

The jury of six women and six men began deliberations at 10:47 a.m., broke for lunch and continued into the afternoon, giving no indication a verdict was imminent. At one point they sent Circuit Judge James Batzer a note asking how to get a trial transcript. Batzer told them to rely on their memory and notes but said he would try to honor requests to hear specific testimony again.

After listening to complex, often-conflicting witness testimony and impassioned arguments from attorneys for eight weeks, and viewing about 250 exhibits, the jury was asked to decide whether Florence Unger was killed by her husband or died accidentally. Batzer gave them three options: convicting Unger of first-degree murder or second-degree murder, or finding him not guilty.

Florence Unger, 37, was found floating at the shallow edge of Lower Herring Lake on Oct. 25, 2003. Despite seeking a divorce from her husband, she had accompanied him and their two young sons on a weekend trip to the Watervale resort 50 miles southwest of Traverse City.

Prosecutors contended an emotionally unstable Mark Unger became angry with his wife as they stood on a boathouse rooftop deck on a dark, misty night -- perhaps as the subject of their divorce resurfaced.

They said he pushed Florence Unger over the railing to a concrete walkway 12 feet below and later dragged her -- alive but unconscious -- into the water to finish her off and make the death seem accidental.

Mark Unger, 45, didn't testify but has said repeatedly he loved his wife and could never kill her.

His attorneys said he left her on the deck and walked to their rented cottage to check on the children. When he returned, Florence Unger was gone. Figuring she was visiting one of the resort's owners, Mark Unger went to bed and became alarmed the next morning after realizing she was missing.

The defense portrayed the deck as a death trap, with a dangerously low railing, rotting wood and a slick, mossy surface. A retired engineering professor presented computer-animated scenarios of how Florence Unger might have accidentally fallen, which prosecutors dismissed as "cartoons."

Prosecutors accused the defense of exaggerating about the deck, saying it had been there for decades without anyone suffering a fatal fall.

They wove together a host of circumstantial details allegedly pointing to Mark Unger's guilt: his threats to take the house and children if Florence Unger divorced him; his wife's

affair, which the defense insisted he learned of only after her death; his behavior the day her body was found, which police called suspicious; Florence Unger's deep fear of the dark, which prosecutors said cast doubt on Mark Unger's claim she was alone on the deck when she died.

Pathologists called as witnesses by both sides offered conflicting testimony.

Dr. Stephen Cohle, who performed the autopsy, listed head injury as the cause of death but said he couldn't rule out drowning. Dr. Ljubisa Dragovic, the Oakland County medical examiner, said evidence such as fluid in Florence Unger's lungs suggested she drowned -- supporting the prosecution's theory of premeditated murder.

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MICHIGAN

## GPS to keep eye on sex offenders

*June 19, 2006*

CECIL ANGEL

FREE PRESS STAFF WRITER

The state Department of Corrections is expected to award a \$3-million contract Tuesday to buy electronic ankle bracelets to track paroled sex offenders, particularly those who victimized children.

But authorities say that while the Global Positioning System technology will be a great help to parole officers, the technology has its limitations.

"It can't prevent anybody from doing anything," said Steven Bock, program manager for the Corrections Department's monitoring center in Lansing. "It's not intended to replace the human component. It still takes the intense scrutiny" of corrections officials.

The state opted for more of the less expensive, passive GPS model that records where an offender has gone and downloads it later through a phone line.

The active model transmits the information as it happens.

Still, authorities say, it's a step toward keeping Michiganders safer.

Michigan's sex offenders will wear an ankle bracelet -- a transmitter strapped to his or her leg -- and a pagerlike receiver, a tracking device that connects with a satellite for location information.

The offender must be home at a certain time to place the tracking device in a charging stand connected to a phone line that transmits the information to the contractor in Florida.

If the parolee fails to transmit the information, a warrant will be issued for his or her arrest. If the parolee is in a place that violates parole, he or she could be sent back to prison.

The offender will pay \$15 a day for the monitoring.

"What we're looking at is placing them on sex offenders, particularly offenders who have had a child as a victim," said Russ Marlan, spokesman for the state Department of Corrections. "These tethers will now tell us everywhere they've been."

If approved Tuesday, the three-year contract with Tampa-based Pro Tech Monitoring will provide 1,050 units -- 1,000 passive models and 50 active ones -- and staff training, Marlan said.

The purchase will help prison officials comply with a state law enacted last month that stiffened penalties for sex offenders whose victims were children. It mandates that offenders convicted of first- or second-degree criminal sexual assault with a victim under the age of 13 must wear electronic monitoring devices if paroled.

The state's law is part of a nationwide trend sparked by the death of Jessica Lunsford, a 9-year-old Florida girl who was kidnapped and murdered in February 2005 by a convicted sex offender.

Steve Chapin, chief executive officer of Pro Tech Monitoring, said his business has been skyrocketing with the growth of Jessica laws around the nation. He has contracts with

more than 200 governmental entities in 44 states, including 25 state-level agencies, he said.

"We're going to see a point in time where every sex offender in the country is going to be tracked by GPS," Chapin said.

In Michigan, the GPS system will be tested in Wayne County before the program is expanded statewide.

"We will be the rollout county," said Gwendolyn Rogers, parole supervisor with the state Department of Corrections.

Rogers, who oversees 312 parolees in Wayne County, said her staff is reviewing its caseload to see which sex offenders should be a priority. Initially, four to five parolees will wear the device in a 30-day test that begins early next month.

"The information it will be providing us will be invaluable," she said. "We're definitely hoping it will be a deterrent."

There are 11,500 sex offenders in the state's prisons and 1,350 on parole. Only 11% to 12% of sex offenders are paroled -- the lowest number among the categories of offenders, Marlan said.

The GPS tethers will allow corrections officials to track child sex offenders who are restricted from going to parks, swimming pools and other areas where there are children, Marlan said.

"Knowing where these people are is a big help," said Richard Pingle, 50, of Royal Oak. "I think it will work with the right people, but you have to watch who they're grouping together in there."

He said the state's sex offender registry is not always accurate.

A man listed on the registry lived next door to Pingle until about two months ago, but the registry still lists him at that address, Pingle said.

The man, Johnathan Taylor, was convicted of criminal sexual conduct -- third degree (involving a person 13-15).

Contact CECIL ANGEL at 313-223-4531 or [angel@freepress.com](mailto:angel@freepress.com).

## TRACKING OFFENDERS

- **The law:** Sex offenders convicted of first- or second-degree criminal sexual assault with a victim under the age of 13 must wear an electronic monitoring device if paroled.

**The system:** The state is expected to award a \$3 million contract for a system to track paroled sex offenders.

**Launch:** The GPS system will be tested in Wayne County in July before expanding elsewhere.



# **Sex offenders get GPS tethers**

## **State will start by putting high-tech gear on 75 parolees in Wayne County.**

Ronald J. Hansen / The Detroit News

June 17, 2006

Next week Michigan may become the latest state to buy high-tech ankle bracelets that prison officials can use to track sex offenders virtually anywhere they go.

The Michigan Department of Corrections intends to purchase 1,050 of the bracelets equipped with Global Positioning System technology and eventually strap one onto every felon on parole for a child-related sex crime, said Steven Bock, program manager for electronic monitoring in the department.

After a monthlong training and trial period, the department will begin the program with 75 bracelets for sex offenders in Wayne County, Bock said. He hopes it will be the beginning of a program that helps police crack future crimes while becoming the cornerstone of true rehabilitation.

"Instead of using it just as a punishment tool, the challenge is, can we turn it into a way to change their behavior," Bock said.

The state is expected to formally sign a three-year, \$3 million contract Tuesday with Florida-based Pro Tech Monitoring, which already provides GPS bracelets to 200 state and local law enforcement agencies in 44 states. Michigan intends to bill parolees \$15 each day they are on the tether, Bock said. Parole typically lasts two years.

Many in law enforcement across the country are flocking to GPS equipment because it provides what police and parole officers can't: constant monitoring. Florida officials estimate that only about 2 percent of those wearing the tethers commit crimes within a year.

Parolees outfitted with the tether will wear a 4-ounce bracelet that sends a signal to a 1½-pound GPS tracking device that resembles an oversized pager. The device is separated into two such units so the parolee doesn't have to wear the heavier tracking device on the ankle. It clips onto a belt but can be set aside for some tasks such as showering. If the GPS system loses the transmitter signal, it beeps to warn the wearer to move back within the tracking range. If they fail to do so, authorities are notified and can begin hunting for the parolee.

Pro Tech's system tracks the location of the bracelets within 30 feet every 20 seconds. Officials can program the bracelets to send alerts every time a parolee approaches prohibited areas, such as playgrounds.

It's also set up to send an alarm within seconds if the bracelet is cut off.

GPS monitoring has been growing rapidly for years, and gained national momentum last year after 9-year-old Jessica Lunsford was raped and murdered by a Florida sex offender who wasn't wearing a tether.

Steve Chapin, president of Pro Tech, said his company was able to aid the investigation by ruling out sex offenders who appeared to be far from the crime.

Since then, many states -- including Michigan -- have passed laws requiring greater electronic supervision of sex offenders.

"It's always easy to say, 'Let's throw everybody in jail and throw away the key,' " Chapin said. "This is the next best thing. It's a very cost-effective strategy."

Two years ago, Oklahoma began using GPS tethers to release low-risk, nonviolent convicts from halfway houses back to their communities, said James Rudek, the GPS coordinator for the Oklahoma Department of Corrections. This opened up space for felons in prison to move to the halfway houses, Rudek said.

"It's a re-integration tool," he said. "It allows them to go home and go to work."

Ninety percent of those wearing the tether successfully completed the one-year transition from halfway houses, and few actually committed new crimes, Rudek said. Oklahoma plans to eventually require tethers on sex offenders for life after their release from prison, a move other states have taken as well.

If the GPS tethers prove their worth in Michigan, Bock would like to see the program expanded to allow police to compare crime reports to the movements of those wearing the bracelets.

For now, parole agents will be notified only if someone breaks the rules of where they are allowed to travel.

Kary Moss, executive director of the American Civil Liberties Union of Michigan, said she didn't question the fairness of GPS tethers. She said her main concern at this point is that Michigan fails to adequately distinguish different types of sex crimes, creating an unfair label for some.

While sexual predators are one choice for constant monitoring, authorities hope it can cut into other types of crime, too. Earlier this year, the Wayne County Sheriff's Department began tracking car thieves who are placed on probation.

None of the more than 75 people on those GPS tethers, made by iSECUREtrac, was suspected of additional car theft. Only one person was suspected of any crime, a domestic assault, officials said.

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# **Witness in child porn Web case hospitalized**

## **Ex-Ann Arbor man facing local charges still in jail**

BY AMALIE NASH

Ann Arbor News Staff Reporter

On the computer hard drive of a former Ann Arbor man, an investigator says he found three sexual videos of an underage boy whose involvement in Webcam pornography sparked a national investigation into child pornography and prostitution.

But the boy featured in those videos - who is now a key witness in a criminal case against former Ann Arbor resident Ken Gourlay - did not appear in Washtenaw County District Court to take the stand against Gourlay during a preliminary hearing Friday.

An assistant attorney general said the pressure of the national attention and his upcoming testimony caused Justin Berry to suffer a breakdown, and he is now in the psychiatric wing of a hospital. His doctor said he may be well enough to testify in the case in two weeks.

Still, Gourlay's lawyers cast doubt that Berry would ever take the stand against the 28-year-old Gourlay and argued to reduce his bond to free him from jail while the case is pending.

"I don't know that we'll ever see Mr. Berry," said Gourlay attorney James Howarth after the hearing. "I have considerable doubts."

The local charges emerged from a national probe that was launched after a New York Times article in December, in which Berry detailed his years-long involvement in Webcam child pornography. Berry has since testified in front of Congress in April and appeared on television on "Oprah" less than two weeks ago.

Gourlay, a computer consultant who now lives in Detroit, is accused of luring Berry to Michigan for a camp at the University of Michigan, molesting him and setting up a Web site that charged a monthly fee for videos of Berry performing various sex acts.

Special Assistant Attorney General Douglas Baker said after the Friday hearing that Berry is a key witness in the case, and he is confident Berry will be ready to testify by the next hearing date in July. He said Berry was hospitalized last week because of emotional and mental difficulties, which led to a breakdown. The teen is under observation and medicated, but no diagnosis was given, Baker said.

The lone witness Friday was Mike Ondejko, a special agent with the attorney general's office. During the search of Gourlay's home on April 11, Ondejko said agents seized seven computers, 14 or 15 hard drives and 100 CDs and DVDs.

The only hard drive to be thoroughly examined thus far was one found in a shipping box in Gourlay's bedroom. On it, Ondejko said he found three videos varying in length from 30 minutes to an hour that depicted Berry having sex with prostitutes in Mexico in 2003, when he was 17 years old. Those videos were posted on the Web site, mexicanfriends.com, which Ondejko said was registered to Gourlay and had as many as 250,000 hits one month.

Ondejko also said the hard drive contained photos of Gourlay and Berry taken when Gourlay visited Mexico in September 2003. Berry was living there at the time.

Baker argued successfully to keep Gourlay's bond at \$500,000 cash, despite the delay in the proceedings.

"We've been able to argue that the journal he had suggests he's a danger to the community and young people, who he is obsessed with," Baker said.

In a previous hearing, the assistant attorney general introduced a series of disturbing passages from Gourlay's electronic diary in which he described his lust for young boys and a willingness to act on his desires.

Howarth admitted that some of the entries in the 106-page journal were disturbing, but said they were private thoughts and most centered on his religious beliefs. Howarth touched on Gourlay's support from family and friends, including about 10 people who attended the hearing but did not speak to the media.

One man prepared to testify was Gourlay's former roommate, a defendant-turned-prosecution witness. Edward Mulak II was arrested at their home during a search in April when investigators said they found at least 10 images of child pornography on Mulak's computer.

Mulak is expected to plead guilty to one charge of possession of child pornography and a count of using a computer to commit a crime in exchange for his testimony. He was in court Friday, but he was not called because Baker said he didn't want the case to become too disjointed.

The preliminary hearing was scheduled to continue on July 14. Gourlay faces 10 charges, including two counts each of enticing a child to engage in sexually abusive activity and using a computer to engage in child sexually abusive activity - all 20-year felonies. He also is charged with third-degree criminal sexual conduct, a 15-year felony.

Since his arrest last month, Gourlay's parents have posted an update on his personal blog at kengourlay.com. The update consists of a letter Gourlay wrote from the jail, warning friends not to believe what they hear in the media and talking of the boredom he has experienced in jail.

He writes, "I am learning, through various legal proceedings and communications, that the friends and family closest to me are more supportive and giving than I ever had imagined. I feel truly blessed. Without their help I would surely be hopeless, out of a job, and having lost my house and car, long before given the opportunity to defend my innocence. Yet because of the grace of God and the willingness of family and friends I feel hopeful and secure, now and for the future."

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or 734-994-6832.

# Non-biological father has parental rights

Gongwer News Service

June 16, 2006

Once a court establishes a non-biological father as an equitable parent, he has the same rights and responsibilities as a natural or adoptive parent, meaning the mother can not later pursue an order of paternity against the biological father, the Court of Appeals said in a published decision released on Friday.

The opinion arose from a legal malpractice case in which Douglas Coble (*Coble v. Green*, COA docket No. 257946) sued his lawyer, Russell Green, for failing to properly represent him in an appeal of a lower court's ruling that Mr. Coble was legally responsible to support his biological son, even though his mother's husband had already been established as the boy's equitable parent.

Mr. Coble's son was conceived while his mother was married to another man. That man was found to be an equitable parent because he had raised the child for five years.

When her ex-husband was jailed for failure to pay child support, the boy's mother sued Mr. Coble for support and won a judgment from the Ionia Circuit Court.

Mr. Coble directed Mr. Green to file an appeal, which he failed to do in a timely fashion. He later asked for an extension but then failed to file other necessary documentation.

The case was dismissed and Mr. Green failed to notify his client of that fact.

Mr. Coble's suit for legal malpractice followed and a jury awarded him \$40,000.

Mr. Green filed this appeal, claiming that Mr. Coble's appeal wouldn't have been successful, even without his failure to timely submit appeal documents, because the court would have found Mr. Coble responsible for his son as the biological parent.

Appellate Judge Kirsten Kelly, in an opinion signed by Judges Kathleen Jansen and Michael Talbot, affirmed the lower court ruling for Mr. Coble.

Ms. Kelly said that the court that ordered Mr. Coble to pay support erred, since a finding of one parent as equitable trumps any later determination or argument of paternity rights.

Mr. Green appealed on several counts but was unable to prove that Mr. Coble's injury – the dismissed case and his continued liability for child support – was not directly attributable to his inaction on the case.

He also did not prove that the judge in the case had a bias toward him, and therefore should have excused himself, or that the monetary award should be reduced because it was based on future child support payments that Mr. Coble may not be required to pay.

Ms. Kelly said that it's not clear that the jury award was calculated using future payment amounts, and even if it had been, legal malpractice awards can include non-economic damages.

## **He's Your Dad, Like It Or Not**

**MIRS, Friday, June 16, 2006**

The state Court of Appeals clarified today that once a court gave an Ionia man equitable parental rights to a child he reared for five years, he is the child's legal father and the child's mother cannot go after the child's biological father for child support if the legal parent cannot pay his bill.

The decision today in *Douglas **COBLE** v. Russell **GREEN*** (No. 257946) was the product of a complex case in which Cynthia **YORK** sued Coble for child support payments on her son, Joshua, who was the product of an adulterous affair between the two. However, Chester **MOROFSKY**, York's husband, took the child as his own and raised him for five years until the couple divorced.

Morofsky was granted parenting rights and started paying child support, but when he started being late with his payments, York went after Coble, who was her sister's husband at the time of their adulterous affair. But the court said "equitable parenthood is a permanent status once it attaches."

"It does not ebb and flow over time, even when an equitable parent is subsequently unable or unwilling to pay support for the child," the court ruled.



# **Build solid foundation with early childhood programs**

Investing in our youngest children is the best economic development tool we have as a state and nation. Don't take my word for it, ask a brain researcher or a Nobel Prize winning economist.

Brain research has been very clear for a number of years that nearly 85 percent of the brain's capacity is developed in the first five years of life. From the moment of birth to the time our children enter the formal years of schooling, their tiny brains are like sponges soaking up knowledge and emotion.

This scientific fact should make every sensible person take pause and ask, given this fact, why do we not begin the formal investment in education until a child is 5 or 6 years of age?

I recall leaving my home a few years back to give a speech on the importance of high-quality preschool education and my teenage daughter inquired where I was going. When I told her I was going to give a speech on the value of investing in our youngest kids and that 85 percent of the brain is developed in the first few precious years of life, she looked at me with that "boy, are you old folks stupid" look and responded, "If that is so, why does school not begin for most kids until after that important time has passed, duh?!"

If an inquisitive, snarly teen "gets it," you would think the resources for this critical investment would be flowing like miners seeking their fortune during the California gold rush.

Having served in leadership positions in both education and business, I have always believed that expenditures in quality education from the womb to the tomb are the best investment we can make as a state and nation. Investment in human capital will pay great dividends as we prepare for the disruptive global transformation that is taking place right before our very eyes.

Educators, researchers, child advocates and parents can make the impassioned and intense pleas for investing more of our limited state resources in quality preschool and K-12 education for reasons of fairness, moral and social justice.

Quotes such as "A mind is a terrible thing to waste" from the United Negro College Fund can tug at the heartstrings. These "soft" reasons for spending more tax dollars often fall on deaf ears from hardened business people and weary taxpayers who feel squeezed by tax burdens and ineffectual social programs.

However, along with the brain research data, the numbers clearly are convincing. Investing in high-quality preschool for all children has a high economic return. Yes, that is correct -- we should support high-quality education for our youngest children under the

arguments of fairness, morality and social justice, but also because it has an economic payback to society at large.

We know in the 21st century knowledge economy that a child without a solid education today will be an adult without much opportunity for a productive future tomorrow. We also know that once a child falls behind, they are likely to remain behind. While a policy of human capital neglect may have fit our industrialization model of the past, we cannot afford that type of policy in today's global, "world is flat" society.

Children coming of age without a solid educational foundation on which to grow will be the equivalent of building a deck of cards on a pile of sand.

James Heckman, 2000 Nobel Laureate, predicts a grim economic future for the United State at the twilight of the industrial age unless America keeps up with the global educational surge.

In his paper, *The Productivity Argument for Investing in Young Children*, Heckman and his co-author, Dimitriy Masterov, state: "Over 20 percent of U.S. workers are functionally illiterate and innumerate, a much higher percentage than leading European countries." "On productivity grounds," they continue, "it makes sound business sense to invest in young children, especially from disadvantaged environments."

Their paper shows that children who participate in high-quality preschool programs "experienced increased achievement test scores and high school graduation and decreased grade retention, time in special education, experience with crime and delinquency."

This is data not from a "bleeding heart child advocate," but a Nobel Prize-winning economist. This is data that you can take to the bank.

There is an extremely strong business and economic case to be made for investing in our youngest citizens, which will pay off for all.

Let's begin to build a strong foundation for our children, our families, our communities and our nation by investing more in high-quality preschool education. As the old oil commercial used to conclude: "You can pay me now, or you can pay me later."

*Tom Watkins is a business and education consultant. He served as Michigan's superintendent of schools from 2001-05 and CEO of the Economic Council of Palm Beach County, Fla., 1996-2001. Read his report "The New Education (R)evolution" at [www.nacol.org](http://www.nacol.org). He can be reached at [tdwatkins@aol.com](mailto:tdwatkins@aol.com).*

Originally published June 18, 2006

# **More kids expelled from preschools**

**Lansing State Journal**

**June 18, 2006**

Greater stresses on young children and record attendance in day care have providers seeing more and more behavioral and development problems.

Children's advocates and mental health consultants hope Michigan officials will increase spending in the coming year's budget to pay for an expansion of a state program that works with providers, parents and children to help prevent youngsters from being expelled from day care.

Would you support an expansion of the program? Has your child ever been expelled or dismissed from child care or preschool for behavioral or developmental issues? Call Stacey Range at 377-1157 or e-mail her at [srange.lsj.com](mailto:srange.lsj.com).

# Highfields plans to reopen residential program

ONONDAGA — Highfields Inc. plans to reopen its residential treatment program for young men in mid-July, board chairman Keith Grotz announced recently.

"The day that we've all anticipated is within sight," Grotz said. "We will begin accepting referrals and should be able to reopen two of the residential houses on July 10, which would accommodate 24 youth. I commend the work of our board and staff in developing and implementing the corrective action plan, which has led to many improvements."

The Youth Opportunity Program, one of 17 programs that Highfields operates in 11 counties, was closed in February after Highfields reported incidents of mistreatment of youth in the program. Since then, the board and management have been working to create new staff screening and training programs. Staff members who were laid off in February and who will be recalled will begin a new training program June 19.

Unlike Highfields' home-based and school-based programs, the residential program houses young men who need more intense treatment following attention by a court agency for more serious or long-standing delinquent behavior. In the program being reopened, young men will reside at the Onondaga facility for four to six months, depending on their needs, their progress in treatment and the progress of others in the family to which they will return.

"We've been very focused on preparing new operational policies and procedures and on providing training that will assure the safety and success of the young men in our program through the most current methods available," interim president/CEO Larry Miesner said. "All of the staff who will be working in the residential program will have received 80 hours of new training. Supervisors will have received

120 hours prior to starting work."

Highfields works with approximately 1,000 families

a year in a variety of in-home and school-based programs to improve parenting, prevent domestic violence and abuse

and help parents provide more positive environments in which to raise children.

Highfields was founded in 1962 and is a not-for-profit organization with offices in Lansing, Jackson and Onondaga.

# Highfields takes steps to improve

ONONDAGA — Highfields Inc., the non-profit organization which operates a residential treatment program for youth, along with early intervention counseling and support programs for children and families in 11 counties, learned recently that the state of Michigan has modified its license for the residential Youth Opportunity Program to a "first provisional six-month license" effective immediately.

Highfields voluntarily closed the residential program in February and began working on a plan to improve services provided at its Onondaga facility. Its offices in Lansing and Jackson continue to operate 15 other programs.

"We're very pleased that our corrective action plan has been approved, which resolves the state's investigation," Keith Groty, chair of Highfields' Board of directors, was quoted as saying. "The board and management have been working for the past three months on necessary changes that will improve training and screening of staff, record-keeping and documentation. The day when we can return youth to our residential program is now within view and we're looking forward to it. With the guidance of Interim CEO Larry Miesner, we're confident it will be a successful process."

The reopening process will involve retraining residential program employees who can help implement the new plan, and possibly, a follow-up evaluation by the state. The state's Office of Children and Adult Licensing has offered technical assistance and consultation.

"I commend our board of directors and Highfields' management for their tireless work over the past months to review systems and procedures, make recommendations and needed changes," Groty said. "It has been a challenging process, but the organization will emerge much stronger as a result and continue to have a positive impact on youth in our

communities."

At its board meeting May 15, Highfields Inc. took steps to implement several recommendations of David Roush, a national juvenile justice expert assisting the agency in reopening one of its 17 programs, which Highfields voluntarily closed in February.

At Roush's recommendation, the agency has hired Larry D. Miesner, director of Strategic and Effective Practices at the National Partnership for Juvenile Services, on a temporary basis to serve as Interim President/CEO during Highfields' search for a permanent executive. Miesner, who will begin his responsibilities June 1, has been assisting Roush since April in reviewing Highfields' corrective action plan for improvements to its residential program.

Miesner is the former director of Michigan's Bureau of Juvenile Justice and a former licensing consultant and licensing supervisor to public and private agencies and institutions throughout the state, including Highfields. For five years he was also director of a private residential treatment program for adolescent youth and supervisor of foster care and adoption services.

"We've benefited tremendously from Larry Miesner's counsel during recent weeks and believe that his experience with the state licensing office will continue to help in our effort to return youth to our residential program," Groty said. "Although he is not a candidate for the permanent position, we believe he can help us achieve several critical goals in the short term."

"We've determined and we believe the state will concur that more stringent training and screening of personnel is needed, along with improved record-keeping and documentation of incidents," Groty said. "When the program reopens and Highfields' staff are asked to return, they

will undergo additional new training to better equip them to work with the young people in our programs."

Greg Pincumbe, who temporarily stepped in as Highfields' executive when James Hines was removed in March, returns to his former position as Director of Support Services. Pincumbe will assist Miesner in preparing the residential program to reopen and once again accept youth for short and long-term treatment. Yusuf Abdullah, who directed Highfields' residential programs for more than two decades, recently retired.

"We commend Greg Pincumbe for his willingness to step in following Hines' departure," Groty said. "He's done an outstanding job keeping the agency moving forward as we work to reopen

the residential program and he will continue to play a key role as we move through the process."

Founded in 1962, Highfields Inc. is a non-profit organization which operates 17 programs for youth and families in 11 counties, including home-based counseling, residential care, experiential education and support programs throughout mid-Michigan.

# **Ex-Highfields leaders - let's restore local partnership**

**By Robert L. Drake and Carl Latona**

**Published June 18, 2006**

**Lansing State Journal**

Highfields Inc. is like a good car. In fact, we think it's a limousine.

Its trend-setting, home-based family counseling, its alternative school programs and its Breakthrough team-building activities are recognized across mid-Michigan as innovative clusters of services for the community.

You can't drive a good car on a flat tire, however. You'll destroy the rim and tear up the road.

## **Advertisement**

The residential center in Onondaga, always a desired placement option, has proven in need of repair. We know that the Highfields board, in cooperation with the state, is taking the necessary steps to make improvements. We are confident and pleased that very soon this fourth cluster of residential services will be operating smoothly again.

But we suggest that more has to be done to benefit from the lessons learned during the past few months.

We challenge Highfields' board and staff and the court's jurists and staff to reverse the recent communication meltdown by returning to the four-decades-long partnership that produced so many effective options for troubled families and their children. We believe this shared history will again prove itself useful in shaping the future.

Founded originally to provide opportunities for youth close to their homes, Highfields has always understood its unique responsibility to serve Ingham County. The many people who helped create it, who stood with us to rebuild its mission, who encouraged us to expand its services - these thousands of friends and supporters stand ready to do so again.

As founding judge and emeritus president, we continue to be proud of Highfields. Its record of accomplishment earns it the right to reclaim its reputation for humane care and treatment as well as continue its vigorous ventures with the other great organizations that work with children, youth and families.

# This Week APHSA in Washington

For the week ending 6/16/2006, Vol. XXVII, No. 16

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- [CMS Releases Letter on Citizenship Verification Requirements](#)
- [Senator Gregg Plans Budget Overhaul Package with Entitlement Restrictions](#)
- [House Committee Holds Hearing on Medicare Part D](#)
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- [HHS Announces Next Meeting of Medicaid Commission](#)
- [GAO Releases Report on Title IV-E Administrative Spending](#)
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## House Appropriations Committee Approves Labor-HHS-Education Spending Bill

On June 13, the full House Appropriations Committee approved the fiscal year 2007 Labor, Health and Human Services (HHS), and Education Appropriations bill. The bill is substantially the same one as approved by the panel's Labor-HHS-Education subcommittee on June 7 (see This Week, June 9). The full committee did add back a portion of the cut to the Community Services Block Grant; the committee approved a cut of \$181 million, compared with a \$200 million reduction in the subcommittee bill. The full committee also approved an amendment offered by Rep. Steny Hoyer (D-Md.) to raise the minimum wage \$2.10 by January 1, 2009. A vote by the full House on the bill had been originally scheduled for next week, but according to press reports, House leaders have pulled the bill from the schedule and may postpone a vote until after the November elections. In that event, programs covered by the bill could be extended as part of a continuing resolution at lower funding levels or in an omnibus reconciliation bill. Highlights of the committee bill available are on the committee's web site at [http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease\\_id=632](http://appropriations.house.gov/index.cfm?FuseAction=PressReleases.Detail&PressRelease_id=632).

## CMS Releases Letter on Citizenship Verification Requirements

On June 9, the Centers for Medicare and Medicaid Services (CMS) released a Dear State Medicaid Director Letter and accompanying fact sheet on guidelines for citizenship documentation. Section 6036 of the Deficit Reduction Act of 2005 (DRA) requires that states conduct verification for all Medicaid eligibility determinations and redeterminations effective July 1, 2006. The letter includes a chart listing all acceptable forms of documentation establishing citizenship and identity. It also describes the process for documenting the status of children receiving Medicaid under Title IV-E under a Section 1115 waiver. The letter provides details on providing "reasonable opportunity" for individuals who sign a declaration of citizenship to make a good-faith effort to produce appropriate documentation.

States can determine a “reasonable opportunity period” so long as it does not exceed the federally established time limits for eligibility determination. For new applicants, documents must be provided before they are made eligible for Medicaid. States that do not comply with the letter’s requirements will lose eligibility for federal financial participation. According to the letter, CMS will conduct outreach on the new requirements, but encourages states to provide additional detail to beneficiaries. The letter is available at <http://www.aphsa.org/disabilities/publications/CitizenshipSMD-letter.pdf>, and the accompanying fact sheet is available at <http://www.aphsa.org/disabilities/publications/Citizenship-Final-Fact-Sheet.pdf>.

### **Senator Gregg Plans Budget Overhaul Package with Entitlement Restrictions**

On June 14, Senate Budget Committee Chairman Judd Gregg (R-N.H.) announced plans to introduce a budget overhaul package that would limit entitlement program spending. The package would be moved as an amendment to S. 2381, a bill to provide the president with line-item rescission authority. The proposed package includes a switch to federal budgets covering two fiscal years; application of budget caps with across-the-board cuts beginning in 2012; creation of a commission to study ways to limit growth of entitlement programs (including Social Security, Medicare, and Medicaid); and creation of a commission to identify federal programs that could be eliminated. Gregg said his bill may be marked up next week, but would probably not reach the Senate floor before the July Fourth recess. More information is available at <http://budget.senate.gov/republican/pressarchive/2006-06-14SOSPressRelease.pdf>.

### **House Committee Holds Hearing on Medicare Part D**

On June 14, the House Ways and Means Committee held an oversight hearing on the implementation and functioning of the Medicare Part D prescription drug program. HHS Secretary Michael Leavitt and CMS Administrator Mark McClellan testified for the administration. Some committee members praised the program and its implementation while others expressed concern that too many vulnerable individuals were still not receiving the coverage they needed. McClellan said CMS is still increasing efforts to enroll eligible low-income seniors who were not automatically enrolled and have not yet done so themselves. At the hearing, the National Council on Aging proposed some recommendations to improve the program and enrollment, including setting up specialty call centers, increasing one-on-one counseling, and elimination of the asset test for the low-income benefit. More information is available on the committee web site at <http://waysandmeans.house.gov/hearings.asp?formmode=detail&hearing=486>.

### **House Hearing Examines SSA’s New Disability Determination Process**

On June 15, the House Ways and Means Social Security Subcommittee held a hearing on the Social Security Administration’s (SSA) improved disability determination process. In 2003, SSA undertook an initiative to assess and implement reforms to the disability determination process. On March 31, 2006, SSA published a final rule on the Disability Service Improvement (DSI) initiative, which will be implemented in Boston on August 1, 2006. The DSI is designed to improve vocational and medical expert qualifications and access; decrease the decision making process to 20 or fewer days for people with clear-cut disabilities; and create a new position of Federal Reviewing Official. SSA Commissioner Jo Anne B. Barnhart testified before the subcommittee, as did a panel of experts from around the country. The subcommittee was supportive of SSA’s reform efforts, but expressed concern over the proposed budget cuts of \$200 million to the SSA and the impact this would have on DSI implementation. In conjunction with the hearing, the Government Accountability Office released a report, Social Security Administration: Agency is Positioning Itself to Implement its New Disability Determination Process, but Key Facets are Still in Development. The report can be accessed at <http://www.gao.gov/new.items/d06779t.pdf>.

### **Court Says DRA is Constitutional**



On June 9, the U.S. District Court for the Southern Region of New York ruled in a lawsuit brought against the DRA that the legislation is constitutional. The case, *OneSimpleLoan v. U.S. Secretary of Education*, had been filed in April to protest the validity of changes in the student loan program, and challenged the constitutionality of the DRA. After the DRA was enacted last February, a slight difference in wording was discovered between the House and Senate versions. The court agreed with the same argument put forward by congressional leaders, that both houses have authenticated the legislation irrespective of the technical difference. The court said further that it would serve no purpose to declare the legislation unconstitutional since it was clear that Congress would simply enact it again. The ruling was the first to come down in the wake of several suits that have been brought against the DRA.

### **FNS Issues Final Rule on EBT**

On June 9, the Food and Nutrition Service (FNS) published a final rule on Food Stamp Program (FSP) regulations published on March 19, 2004. The rule, which is effective August 8, codifies Food Stamp Employment and Training (E&T) Program provisions of the farm bill. The regulation establishes a formula for allocating the 100 percent federal E&T funds authorized under the farm bill to carry out the E&T program each year, including the 10 percent set aside for able-bodied adults without dependents (ABAWD). The remaining 90 percent will be allocated based on the numbers of work registrants in each state as a percentage of work registrants nationwide. The regulation will also make available up to \$20 million a year in additional unmatched federal E&T funds for states that commit to offer an education/training or workfare opportunity to every ABAWD; eliminate the current \$25 per month cap for work expenses reimbursement; codify farm bill provisions that expand state flexibility in E&T Program spending by repealing the requirements that state agencies earmark 80 percent of their annual 100 percent federal E&T grants to serve ABAWDs; and repeal the requirement that state agencies meet or exceed their FY 1996 state administrative spending levels to access funds made available by the Balanced Budget Act of 1997. These E&T provisions are expected to reduce federal outlays by \$36 million in FY 2005 and by \$188 million in the five years FY 2005 through FY 2009. The notice was published in the June 9 Federal Register (71 FR 33376-33384) and is available at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-9001.htm..>

### **HHS Requests Comments on EBT for Disaster Victims**

On June 14, the HHS issued a request for comments, suggestions, and recommendations on the possibility of establishing a system of electronic benefit transfer as a means to deliver federal, state, and local human services to disaster victims. HHS noted that the request is intended to provide ideas for consideration, and may or may not result in a future procurement. HHS asks for information regarding approaches for establishing a system through which disaster victims can access multiple benefits and services in a secure and confidential way through innovative methods such as magnetic stripe cards, smart cards, and biometrics. HHS is interested in recommendations on the best way to develop this ability, with particular regard to receiving information on the creation of systems that incorporate these innovative methods to streamline benefits delivery. HHS asks that responses be submitted by August 14, 2006. The notice was published in the June 14 Federal Register (71 FR 34361-34362), and is available at <http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/E6-9314.htm..>

### **HHS Launches New Teen Adoption Campaign**

On June 13, HHS announced a new series of public service advertisements encouraging the adoption of older children and teens. The campaign is an extension of another PSA campaign from 2004 that established [www.adoptuskids.org](http://www.adoptuskids.org), which led to the placement of more than 6,000 children. The new series is the first federally funded adoption effort to focus on finding homes specifically for foster teens. Children over age 9 make up 49 percent of the children in foster care waiting for placement. More information on the series is available at

[http://www.acf.hhs.gov/news/press/2006/adoptuskids\\_teens.htm](http://www.acf.hhs.gov/news/press/2006/adoptuskids_teens.htm).

### **HHS Announces Next Meeting of Medicaid Commission**

HHS has announced that the next meeting of the Medicaid Commission will be held July 11-12, 2006, at the Sheraton Crystal City in Arlington, Va. The commission will continue discussion on long-term sustainability of the Medicaid program, and will include a public comment session. The announcement was published in the June 9 Federal Register (71 FR 33455–33456). More information is available at <http://aspe.hhs.gov/medicaid/>.

### **GAO Releases Report on Title IV-E Administrative Spending**

On June 15, the GAO released a report entitled Foster Care and Adoption Assistance: Federal Oversight Needed to Safeguard Funds and Ensure Consistent Support for States' Administrative Costs, which was conducted in response to a request by Rep. Wally Herger (R-Calif.), chair of the House Ways and Means Subcommittee on Human Resources. The report focuses on (1) the amount and types of administrative costs from FY 2000 to FY 2004; (2) interstate differences and their effects on program spending; and (3) an evaluation of HHS oversight. GAO found that administrative spending increased by 7 percent from FY 2000 to FY 2004, but noted that 80 percent of the increases were concentrated primarily in six states. Child placement services represent roughly 89 percent of the total increase. Methods used to identify eligible children and related staff costs appear to be the two primary reasons that costs differ within and between states. The report also identifies a shortage of ACF oversight of regions and individual states. The HHS response indicated that implementation of four of the recommendations would be considered, without explicitly agreeing or disagreeing with the GAO's recommendations. A copy of the full report can be found at <http://www.gao.gov/new.items/d06649.pdf>.

### **GAO Estimates up to \$1.4 Billion in Hurricane Funds Spent Fraudulently**

On June 14, GAO issued testimony estimating that through February 2006, the Federal Emergency Management Agency (FEMA) made about 16 percent, or \$1 billion, in improper and potentially fraudulent payments to registrants who used invalid information to apply for federal disaster assistance. GAO states that it is 95 percent confident that the total of fraudulent relief money spent was between \$600 million and \$1.4 billion because of invalid registrations. Examples of fraud and abuse include payments made to individuals who used post office boxes, United Parcel Services stores, and cemeteries as their damaged property addresses. GAO also found that FEMA provided housing assistance to individuals not displaced. Millions of dollars in expedited and housing assistance went to registrations containing the names and Social Security numbers of individuals incarcerated in federal and state prisons during the hurricane. In addition, GAO found that FEMA improperly paid individuals twice, and that they could not determine that 750 debit cards worth \$1.5 million went to hurricane Katrina victims. GAO did not test for other evidence of impropriety or potential fraud, such as insurance fraud or bogus insurance claims, which potentially underestimates the magnitude of improper payments made. GAO plans to issue a report containing recommendations to the Department of Homeland Security and FEMA to improve internal controls over the Individuals and Household Program. More information is available at <http://www.gao.gov/new.items/d06844t.pdf>.

### **In Memoriam**

APHSA mourns the loss to the human service community of Eileen Sweeney, who died June 13 of cancer. Eileen was a senior fellow at the Center on Budget and Policy Priorities (CBPP), where she worked as a nationally recognized expert on issues affecting people with disabilities in federal assistance programs. She served earlier as director of CBPP's State Low-Income Initiatives Project, and was the director of government affairs at the Children's Defense Fund for six years. Sweeney made innumerable contributions to bettering the lives of vulnerable children and families. We knew her as a passionate advocate, expert, and colleague, and will sorely miss her work and friendship. More

information on her life and career is available on the CBPP web site, <http://www.cbpp.org/>.